



**NOTICE OF MEETING
OF THE
GOVERNING BODY OF
MARBLE FALLS, TEXAS**

A quorum of the Marble Falls Economic Development Corporation may be present

Notice is hereby given that a **Special Meeting of the City Council** of the City of Marble Falls, Texas will be held **Tuesday, January 24, 2017** at **noon** in the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT

2. REGULAR AGENDA

- (a) Public Hearing and Discussion on the First Reading of Ordinance 2017-O-02C regarding the voluntary annexation into the City Limit of the City of Marble Falls for 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, The F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas. **Elizabeth Yeh, City Planner**

3. ADJOURNMENT.

"The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information)."

In compliance with the Americans with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at (830) 693-3615.

Certificate of Posting

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 19th day of January, 2017 at 1:00 pm and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

/s/ Christina McDonald

Christina McDonald, TRMC
City Secretary



Council Agenda Item Cover Memo

January 24, 2017

Agenda Item No.: 2(b)
Presenter: Elizabeth Yeh, City Planner
Department: Development Services
Legal Review: ☒

AGENDA CAPTION

Public Hearing and Discussion on the First Reading of Ordinance 2017-O-02C regarding the voluntary annexation into the City Limit of the City of Marble Falls for 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, The F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas.

BACKGROUND INFORMATION

This item is the second of two required Public Hearings for the Voluntary Annexation of a 75.94 acre subject area owned by the Ellison Roper Corporation. The subject area is currently located in the City's Extra-Territorial Jurisdiction (ETJ). The property has an existing Development Agreement, executed on November 7, 2012 by the City during the 2012 annexation of the surrounding area. At that time, the property owner exercised the option to postpone annexation for a five (5) year term due to the land being utilized for agricultural/wildlife management. The property owner would now like to bring the subject area into the City Limit for development.

City Council accepted the owner's petition for Voluntary Annexation on January 3, 2017 through the approval and execution of the Intent to Annex Ordinance 2017-O-01B.

The Second Reading of the Annexation Ordinance is scheduled for Tuesday February 21, 2017, at which time action by City Council will occur.

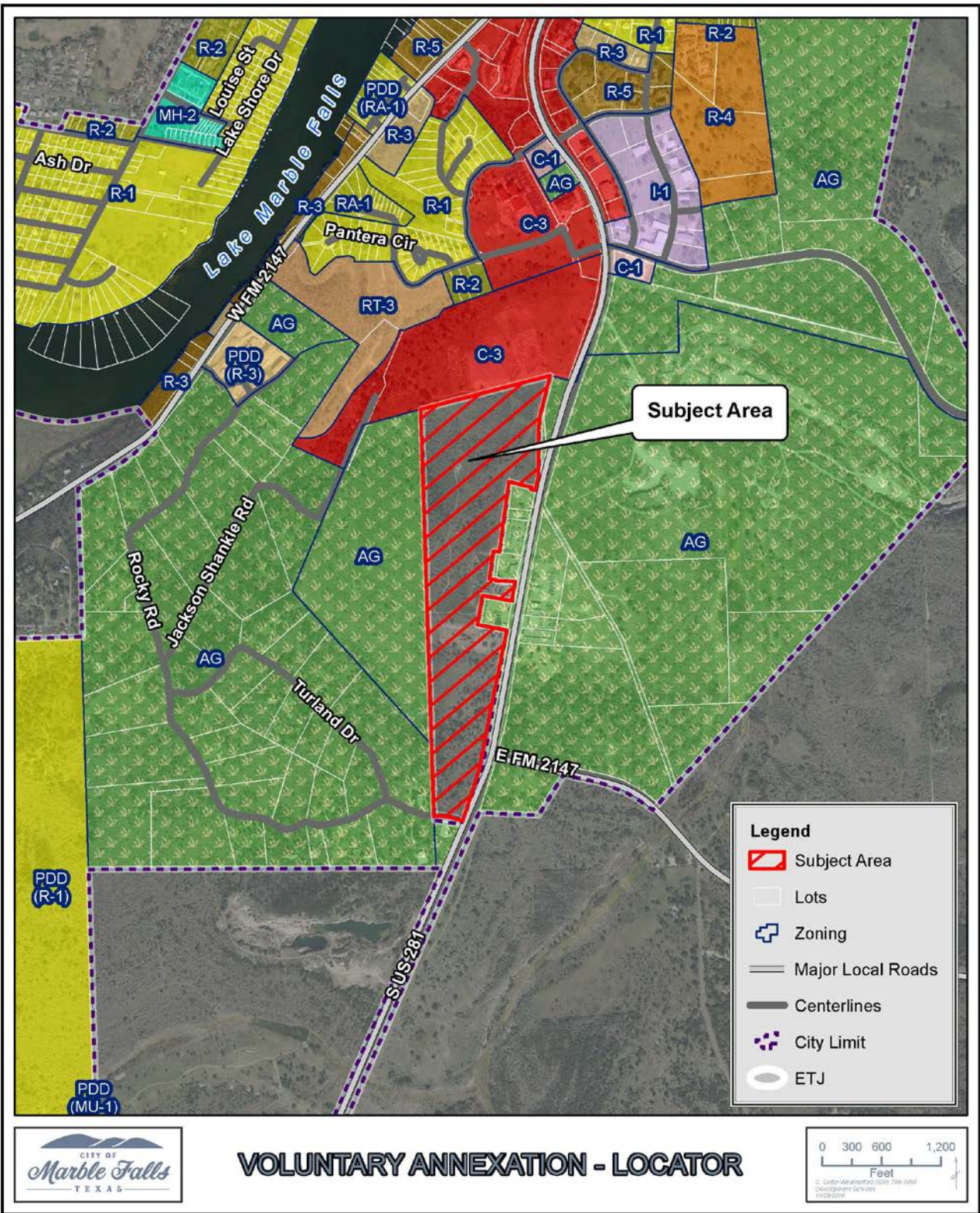
The Subject Area will be zoned Agricultural (AG) upon annexation. Once this annexation is finalized the goal for the current landowners is to rezone the property into a master planned Planned Development District (PDD).

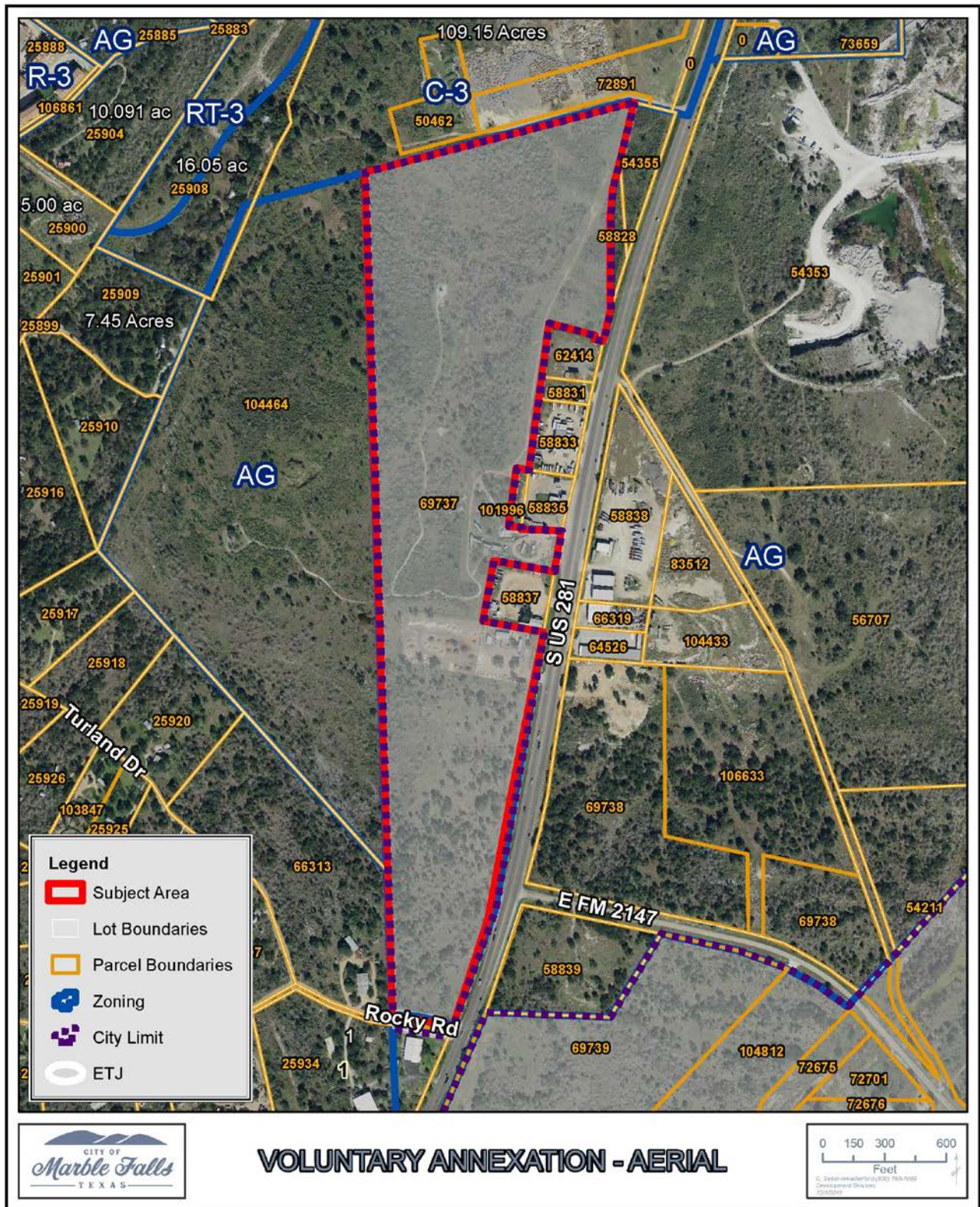
Voluntary annexations processed by the City do not count against the total annexation allowance the City is allotted to conduct annexations.

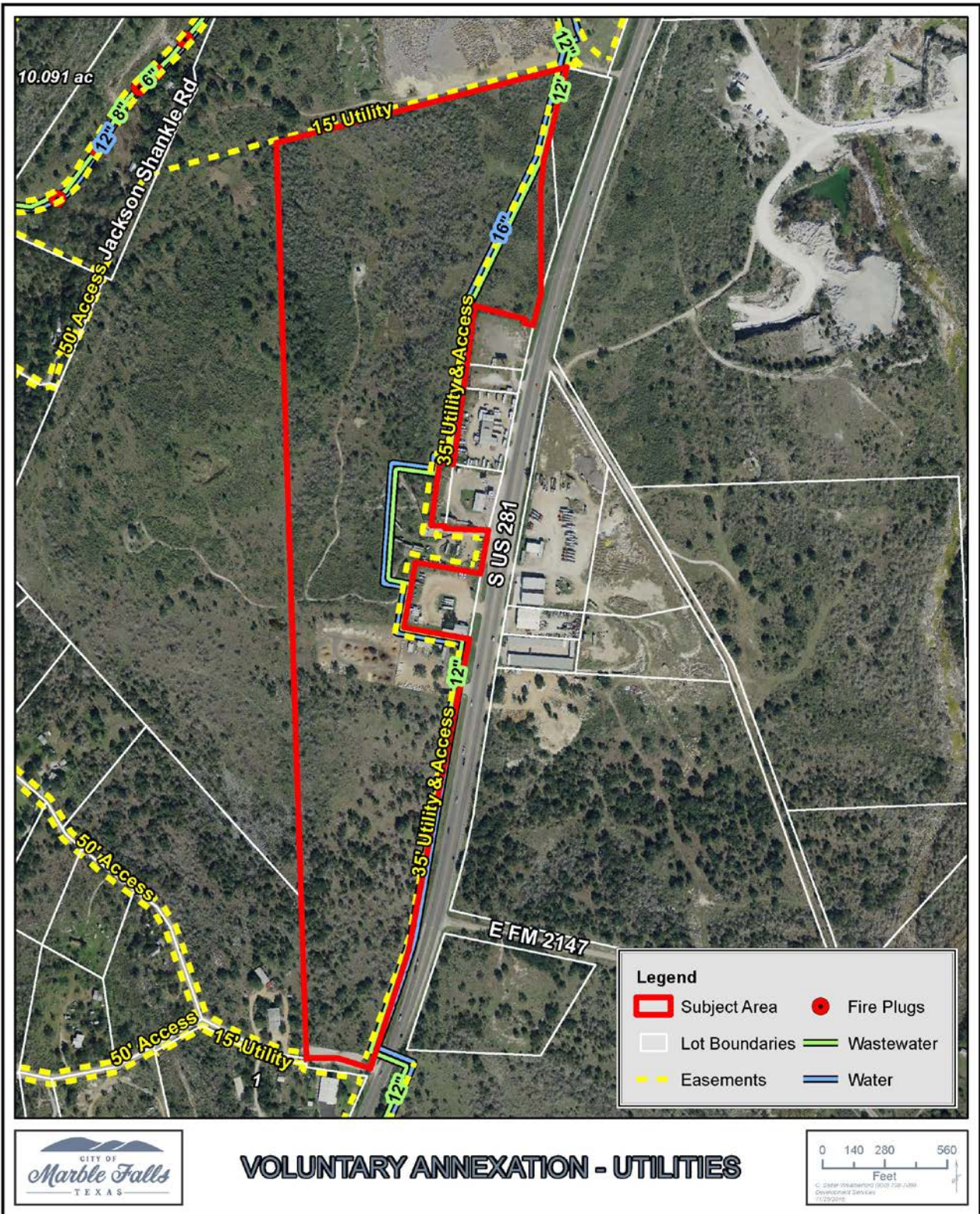
This is a Public Hearing and First Reading of the Annexation Ordinance, complying with State law. Notice of the Public Hearing was published in the Highlander newspaper and on the City's website. No action by Council is required at this time.

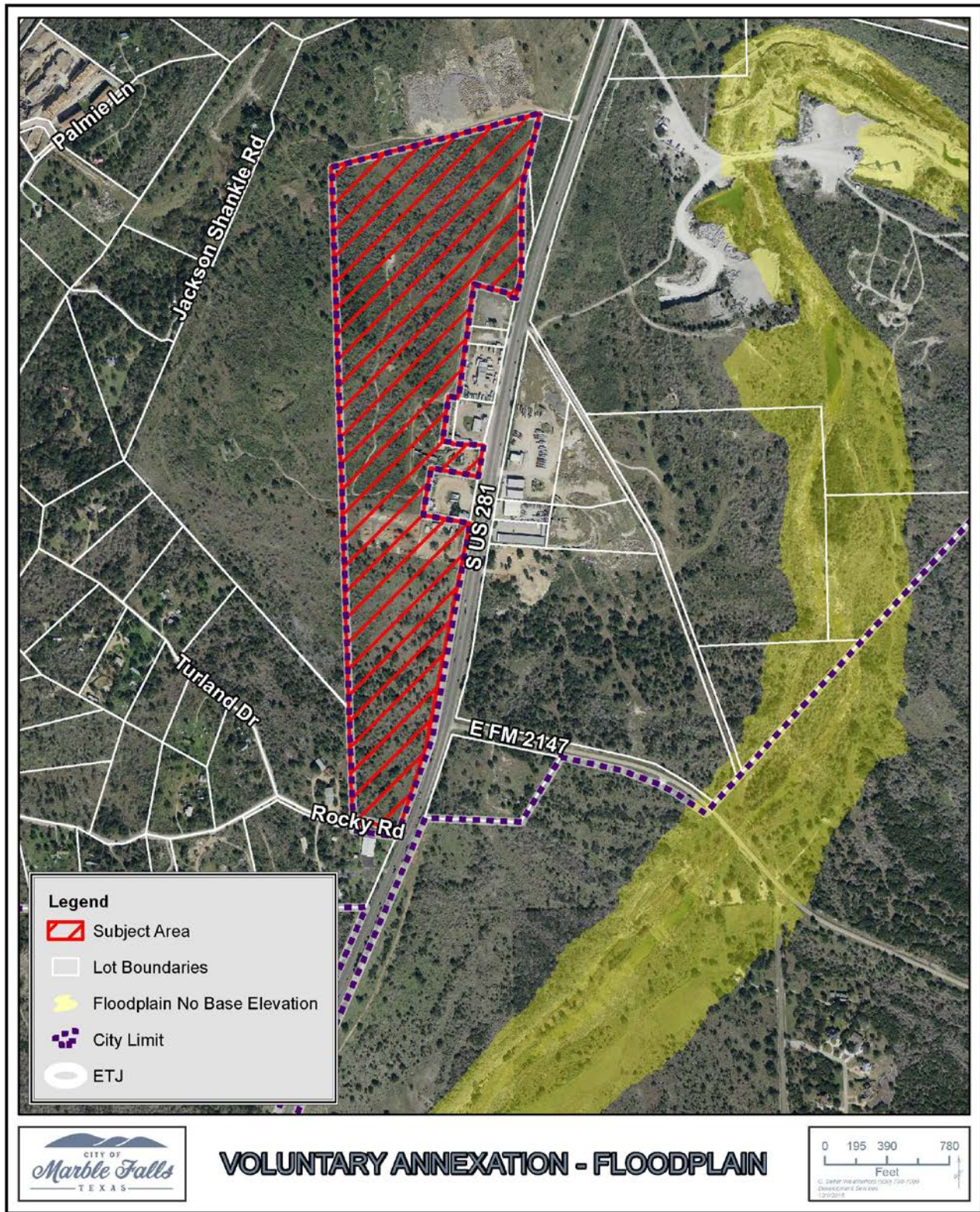
Memo Contents:

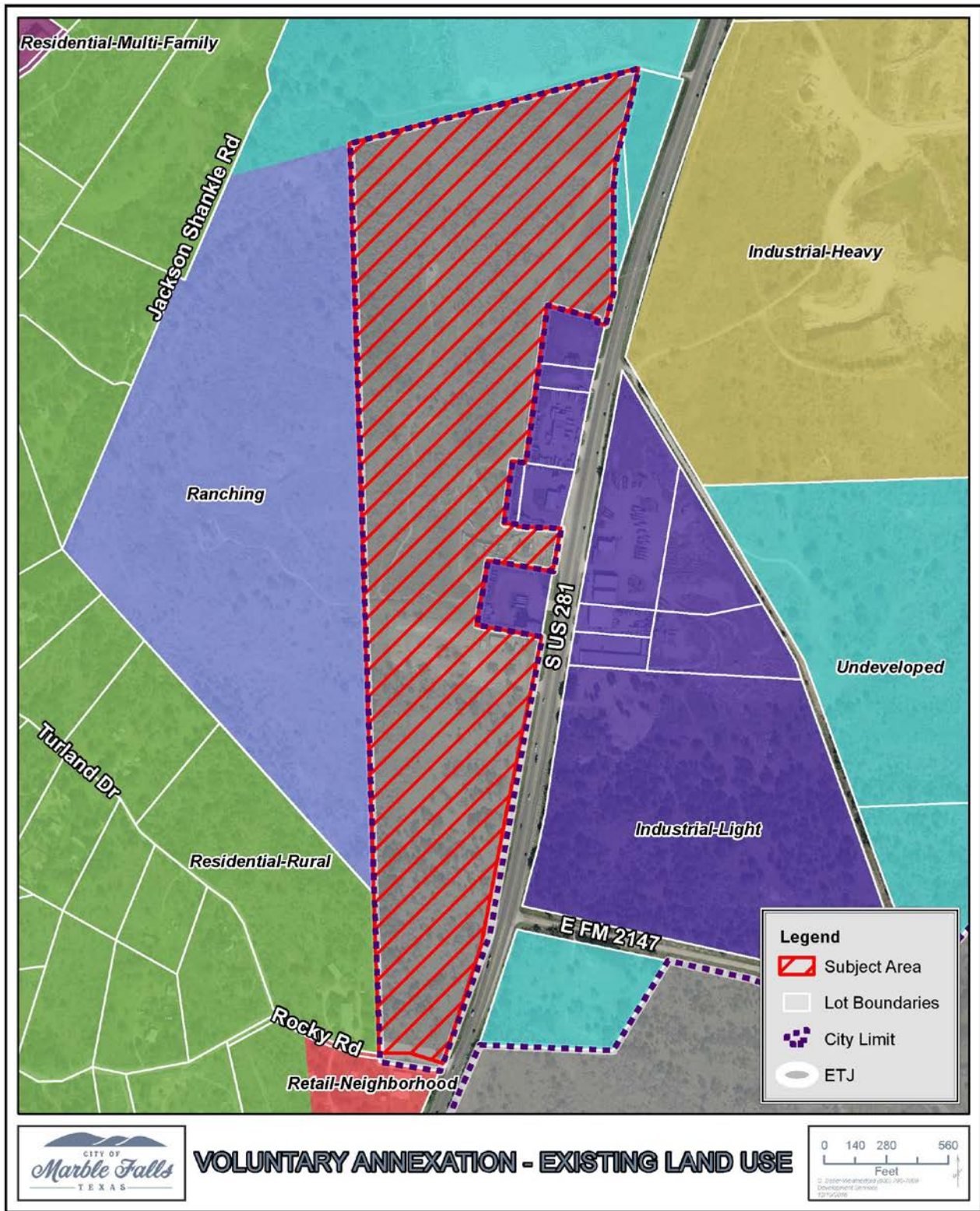
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| • Informational maps produced by City Staff: | Pages 3 - 10 |
| • Petition: | Pages 11 - 14 |
| • Draft Municipal Service Plan: | Pages 15 - 19 |
| • Draft Annexation Ordinance: | Pages 20 - 34 |

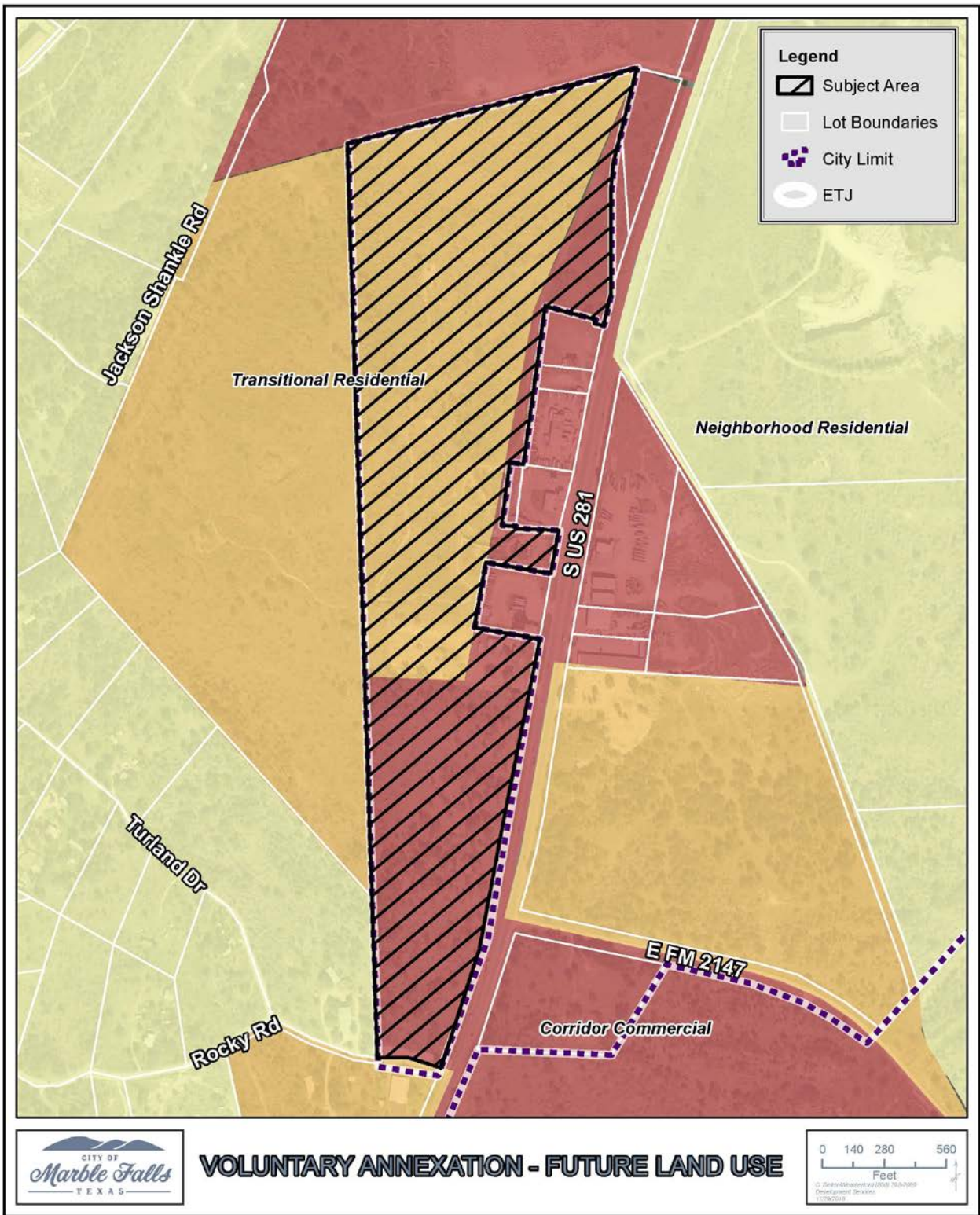


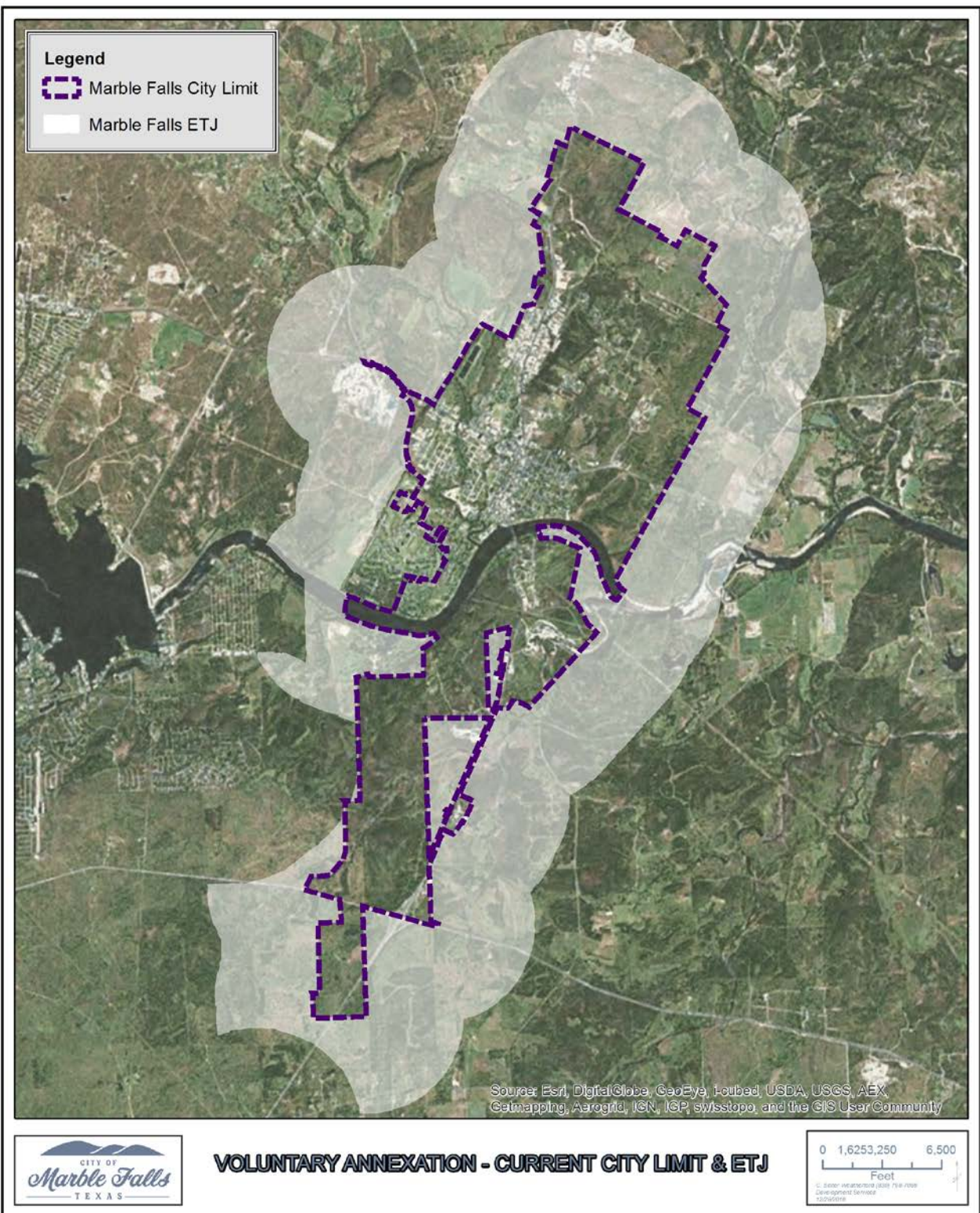












Roper Petition for Voluntary Annexation

STATE OF TEXAS §
 §
COUNTY OF Burnet §

PETITION FOR VOLUNTARY ANNEXATION OF PROPERTY INTO THE CITY LIMITS OF THE CITY OF MARBLE FALLS

To the Mayor and City Council of the City of Marble Falls, Texas:

The undersigned owner(s) of the tract of land described herein hereby request and petition the City of Marble Falls ("City"), pursuant to Section 43.021, and Section 43.052(h) of the Texas Local Government Code and the City of Marble Falls Charter, to extend the present city limits of the City and annex the property described in Exhibit "A" (the "Tract"), which is attached and incorporated herein for all purposes.

I/We certify and swear that:

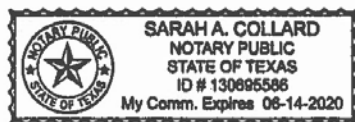
1. I/We are the sole owners of the Tract described in Exhibit "A" and we own more than 50% of the Tract;
2. All of the Tract is currently located within the City's ETJ and is contiguous and adjacent to current city limits of the City;
3. The Tract is not located within the corporate limits or ETJ of any other municipality or other special district;
4. The Tract contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; and
5. This request for inclusion of the Tract in the Marble Falls city limits is made voluntarily.

I/We certify and swear that this petition is signed and acknowledged by each and every person and corporation owning said tract, or having an interest in any part thereof.

Ronald Roper President
Name
Address: Box 682
Marble Falls, TX
Date: 10-20-16

STATE OF TEXAS §
COUNTY OF Burnet §

This instrument was sworn to, signed and acknowledged before me by on this, the 20th day of October, 2016.



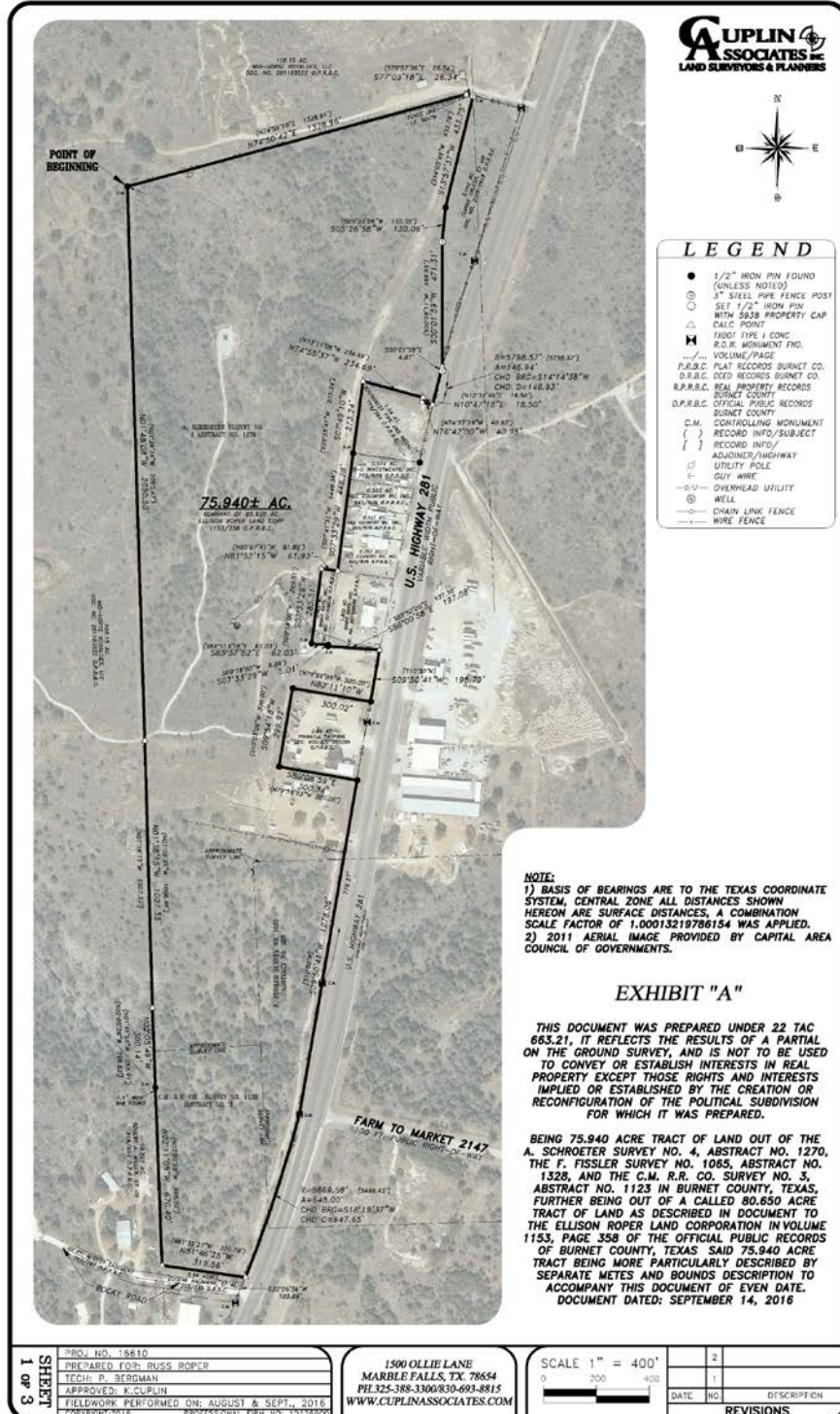
Sarah A. Collard
Notary Public, State of Texas

My commission expires: 6/14/2020

Exhibit "A"

Property Description

Attached is a description of the Property intended to be annexed by the City of Marble Falls by request of the owner(s) and a map or drawing of same



BEING A 75.940 ACRE TRACT OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 80.650 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE ELLISON ROPER LAND CORPORATION IN VOLUME 1153, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 75.940 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 1.5" iron bar found at the northwest corner of said 80.650 acre tract and an interior corner of a called 108.15 acre tract described in document to Mid-Horse Royalties, LLC in Document No. 201103522 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof;

THENCE along the north line of said 80.650 acre tract and a south line of said 108.15 acre tract the following courses and distances:

- 1) North 74°50'42" East, a distance of 1328.96' to a calculated point;
- 2) South 77°03'18" East, a distance of 26.34' to a 3" steel pipe fence corner post at the northeast corner of said 80.650 acre tract and the northwest corner of a called 3.042 acre tract described in document to Dianne Orlesh, Et Vir in Document No. 200910619 of the Official Public Records of Burnet County, Texas, for the northeast corner hereof;

THENCE along the west line of said Orlesh tract and the east line of said 80.650 acre tract, and hereof, generally along a fence, the following courses and distances:

- 1) South 13°57'37" West, a distance of 433.75' to a 1/2" iron pin found;
- 2) South 05°26'58" West, a distance of 130.06' to a 3" pipe fence post;
- 3) South 00°01'59" West, a distance of 471.31' to a calculated point along the west right-of-way line of U.S. Highway No. 281, for an easterly corner hereof, whence a 3" steel pipe fence post bears South 00°01'59" West 4.87';

THENCE along said Highway right-of-way line, the east line of said 80.650 and the east line hereof along a curve to the left having an arc length of 146.94', a radius of 5798.57', a chord bearing of South 14°14'38" West, and a chord length of 146.93' to a calculated point at the most easterly northeast corner of a called 1.54 acre tract described in document to Southwest Pipe and Metal in Volume 774, Page 394 of the Official Public Records of Burnet County, Texas;

THENCE continuing with the east line hereof, along the perimeter of said 1.54 acre tract the following courses and distances as follows:

- 1) North 76°42'00" West, a distance of 40.95' to a calculated point;
- 2) North 10°47'18" East, a distance of 18.50' to a calculated point;
- 3) North 74°55'37" West, a distance of 234.69' to a calculated point
- 4) South 07°49'10" West, a distance of 273.24' to a 1/2" iron pin found at the southwest corner of said 1.54 acre tract and the northwest corner of a called 0.574 acre tract described in document to 5-D Investments, Inc. in Volume 755, Page 825 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof the following courses and distances:

- 1) South 07°33'29" West, along the west line of said 0.574 acer tract, then the west lines of a called 0.552 acre tract, a called 0.531 acre tract, and a called 0.757 acre tract all of which are described in document to Hill Country RV, Inc. in Volume 643, Page 879 of the Real Property Records of Burnet County, Texas, a distance of 448.28' to a calculated point at the southwest corner of said 0.757 acre tract, the northwest corner of a called 1.302 acre tract and the northeast corner of a 0.403 acre tract, both of which are described in document to Spirit Rays, Inc. in Document No. 201508036 of the Official Public Records of Burnet County, Texas;
- 2) North 81°52'15" West, a distance of 61.92' to a calculated point at the northwest corner of said 0.403 acre tract;
- 3) South 07°33'26" West, a distance of 285.51' to a 1/2" iron pin found at the southwest corner of said 0.403 acre tract;

- 4) South 85°57'52" East, a distance of 62.03' to a 1/2" iron pin found at the southeast corner of said 0.403 acre tract along the west line of said 1.302 acre tract;
- 5) South 07°33'29" West, a distance of 5.01' to a 1/2" iron pin found at the southwest corner of said 1.302 acre tract;
- 6) South 86°00'58" East, a distance of 197.08' to a calculated point along the west right-of-way line of said Highway and the east line of said 80.650 acre tract;
- 7) South 09°50'41" West, along said Highway right-of-way and the east line of said 80.650 acre tract, a distance of 198.79' to a 1/2" iron pin found at the northeast corner of a called 2.06 acre tract described in document to Pinnacle Propane in Document No. 201200295 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof with the perimeter of said 2.06 acre tract the following courses and distances:

- 1) North 80°11'10" West, a distance of 300.02' to a 1/2" iron pin found;
- 2) South 09°54'18" West, a distance of 299.92' to a 1/2" iron pin found;
- 3) South 80°08'59" East, a distance of 300.34' to a 1/2" iron pin found with a property cap stamped "4452" at the southeast corner of said 2.06 acre tract along said Highway right-of-way line and the east line of said 80.650 acre tract;

THENCE continuing along the east line hereof and of said 80.650 acre tract and the west right-of-way line of said Highway the following courses and distances:

- 1) South 09°50'41" West, at a distance of 776.27' pass a TXDOT Type I concrete right-of-way monument, for a total distance of 1278.06' to a TXDOT Type I concrete right-of-way monument;
- 2) Along a curve to the right having an arc length of 648.00', a radius of 5669.58', a chord bearing of South 18°19'37" West, and a chord length of 647.65' to a calculated point for corner at the southeast corner of said 80.650 acre tract and the northeast corner of a called 0.69 acre tract described in document to Eugene Naumann, Et Al, in Volume 255, Page 135 of the Deed Records of Burnet County, Texas, for the southeast corner hereof, whence a TXDOT Type I concrete right-of-way monument; bears South 22°06'36" West 103.86';

THENCE North 81°46'25" West, along the south line of said 80.650 acre tract and hereof and the north line of said 0.69 acre tract, a distance of 319.56' to a calculated point at the southwest corner of said 80.650 acre tract and the northwest corner of said 0.69 acre tract along the east line of a called 18.222 acre tract described in document to Robert A. Miller, Et Ux in Volume 919, Page 654 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE along the west line of said 80.650 acre tract and hereof, generally along a fence, the following courses and distances:

- 1) North 02°11'08" West, a distance of 670.40' to a 1.5" iron bar found at the northeast corner of said 18.222 acre tract and the southeast corner of said 108.15 acre tract;
- 2) North 02°05'49" West, a distance of 300.14' to a calculated point;
- 3) North 01°38'15" West, a distance of 1007.33' to calculated point;
- 4) North 01°48'08" West, a distance of 2090.50', to the **POINT OF BEGINNING**, and containing 75.940 acres, more or less.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, IT REFLECTS THE RESULTS OF A PARTIAL ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

- 1) Basis of Bearings: NAD 83, Texas Coordinate System-Central Zone
- 2) The coordinates and distances contained herein are surface values using a combined scale factor of 1.00013219786154 feet.
- 3) An exhibit of even date was prepared and attached hereto as part of this survey.

 **Dated: 9/14/2016**
Registered Professional Land Surveyor No. 5938



1500 Ollie Lane, Marble Falls, Texas 78654
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
www.cuplinassociates.com

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**DRAFT MUNICIPAL SERVICE PLAN
FOR PROPERTY TO BE
ANNEXED TO THE CITY OF MARBLE FALLS**

WHEREAS, the City of Marble Falls, Texas (the "City") has instituted annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "Property"); and,

WHEREAS, Chapter 43, Texas Local Government Code, (referred to herein as "TLGC") requires a service plan be adopted with the annexation ordinance; and,

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by Chapter 43, TLGC, to annex the subject property into the City;

NOW, THEREFORE, by execution hereof, the City agrees to provide, at its sole cost and expense the following services for the subject property on the effective date annexation:

1. Police Protection as follows:
 - a. Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.
2. Fire Protection and Emergency Medical Services as follows:
 - a. Fire protection by the present personnel and equipment of the City fire department with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.
3. Solid Waste Collection services as follows:
 - a. Solid waste collection and services as now being offered to the citizens of the City.
4. Water service and maintenance of water facilities as follows:
 - a. Centralized water service is already constructed and available within the Annexed Area. The cost of extending water service to individual property owners within the Annexed Area not already receiving service or requiring service above that which is currently provided shall be at the landowner's cost and in accordance with the City's utility extension ordinance and subdivision ordinance. Water service will be provided by the City utility department on the

same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations, and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies.

- b. Developed tracts within the Annexed Area that are not yet connected to City water systems and are currently being served by water wells shall be permitted to continue to utilize the same until such time, if ever, that City water is requested or such persons become required by operation of law to connect to the City's water system. New development on lots or tracts of sufficient size to support on-site water wells shall be allowed to install water wells unless City water lines have been constructed to that location. Operation and maintenance of water facilities that are not within the service area of another water utility will be provided by the Marble Falls Utility Department on the same basis and at the same level of service as provided throughout the City with comparable topography, land use and population density in accordance with existing Ordinances; including Ordinances governing the extension of water utilities and subdivisions in effect on the date of annexation or as amended from time to time which require a landowner, at the landowner's cost, to extend and install water lines.
 - c. Pay the costs of over-sizing of any water facilities within the subject property to a capacity greater than reasonably required to service the subject property, at the time of subdivision of land when necessary and as applicable.
 - d. Inspection, maintenance, and repair of water distribution lines as provided by the statutes of the State of Texas.
 - e. Provide the necessary improvements to its water system to accommodate the flows needed to provide water service to the Annexed Area.
 - f. Provide required water supply demands for firefighting needs in a manner to be determined by the City.
5. Wastewater services and maintenance of wastewater service as follows:
- a. Centralized sanitary wastewater service is already constructed and available within the Annexed Area. The cost of extending centralized wastewater service to individual property owners within the Annexed Area not already receiving service or requiring service above that which is currently provided shall be at the landowner's

cost and in accordance with the City's utility extension ordinance and subdivision ordinance.

- b. Centralized wastewater or on-site sewer service shall be provided by the same means by which the City of Marble Falls extends such services to any other area within the City limits and shall at no time be at a lower level of service than currently provided in the Annexed Area. Persons currently receiving such service(s) from the City shall continue to receive the same, consistent with City ordinances in effect on the date of annexation and as amended from time to time. Persons utilizing on-site septic systems shall be permitted to continue to utilize the same until such time, if ever, that centralized wastewater service is requested from the City or such persons become required by operation of law to connect to the City's wastewater system. New development on lots or tracts of sufficient size to support on-site septic systems shall be allowed to install septic systems unless City centralized wastewater lines have been constructed to that location. Operation and maintenance of wastewater facilities that are not within the service area of another wastewater utility will be provided by the Marble Falls Utility Department on the same basis and at the same level of service as provided throughout the City with comparable topography, land use and population density in accordance with existing Ordinances; including Ordinances governing the extension of wastewater utilities and subdivisions in effect on the date of annexation or as amended from time to time which require a landowner, at the landowner's cost, to extend and install wastewater lines.
- c. Pay the costs of over-sizing of any wastewater facilities within the subject property to a capacity greater than reasonably required to service the subject property, at the time of subdivision of land when necessary and as applicable.
- d. Inspection, maintenance, and repair of sewer lines as provided by the statutes of the State of Texas.
- e. Sewer service provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations, and policies of the City in effect from time to time.
- f. Provide the necessary improvements for its wastewater collection system and wastewater treatment system necessary to accommodate the flows designed at the time of the subdivision of the land.

- g. Proved specifications for grinder pumps to be installed by the developer of any subdivision of land and thereafter to provide routine maintenance and repair services for said grinder pumps.
- 6. Maintenance of streets and rights-way as appropriate as follows:
 - a. Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
 - b. Routine maintenance as presently performed with the City.
 - c. Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such improvements as need therefore is determined by the City Council under City policies.
 - d. Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
 - e. Maintenance of street lighting in accordance with established policies of the City.
- 7. Animal control as follows:
 - a. Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.
- 8. Maintenance of parks and playgrounds within the City.
- 9. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.
- 10. Maintenance of other City facilities, buildings and service.
- 11. Land Use regulations as follows:
 - a. On the effective date of the annexation, the zoning jurisdiction of the city shall be extended to include the annexed area and all property therein shall be zoned Agriculture (AG) with the appropriate regulations established by the City or hereinafter amended.
- 12. Construction of any Capital Improvements

Section 43.056(e) of the Texas Local Government Code requires that the City include a program under which the City will initiate after the effective date of the annexation the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the Annexed Area. Any capital improvements to be constructed in the area being annexed shall be constructed pursuant to the terms of the City's Ordinances and policies. No capital improvements are contemplated or necessary at this time. However, if it becomes necessary to construct capital improvements to implement this Service Plan, the City shall provide such service no later than four and one-half (4½) years after the effective date of the annexation. The City reserves the right to amend this service plan to extend the period of construction in a manner that ensures that construction proceeds with all deliberate speed consistent with generally accepted engineering and architectural standards and practices and consistent with comparable topography, land use and population density, and service needs existing as of the date of this annexation.

13. Future Capital Improvements

Construction of other capital improvements shall be considered by the City in the future as the need dictates on the same basis as such capital improvements are considered throughout the City in accordance with Ordinances of the City, including Ordinances which require a developer to install or construct such capital improvements including but not limited to roads, streets, water and sewer lines.

14. Uniform level of services may not be required

Nothing in this Service Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the Annexation Area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

15. Term

This service plan shall be valid for a term of ten (10) years.

ORDINANCE NO. 2017-O-02C

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF MARBLE FALLS, TEXAS, BY VOLUNTARY ANNEXATION (EXHIBIT "C") OF CERTAIN TERRITORY, DESCRIBED AS 75.94 ACRES OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", DIRECTING THE CITY SECRETARY TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH CERTAIN AUTHORITIES; DIRECTING THAT THE MAP OF THE CITY BOUNDARIES AND EXTRATERRITORIAL JURISDICTION BE CORRECTED TO INCLUDE THE ANNEXED TERRITORY; PROVIDING FOR THE APPROVAL OF THE SERVICE PLAN, EXHIBIT "B"; GRANTING TO SAID PROPERTY AND ALL FUTURE INHABITANTS ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING FOR SEVERABILITY; PROPER NOTICE AND MEETING; EFFECTIVE DATE.

WHEREAS, a petition for voluntary annexation has been duly signed by the Ellison Roper Land Corporation, property owner(s) and petitioner(s), attached hereto as Exhibit "C", for the voluntary annexation of property described as 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, The F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas, which property is more particularly described in Exhibit "A"; into the corporate city limits of the City of Marble Falls, Texas; and,

WHEREAS, the property owner's petition to annex was presented to the City Council on January 3, 2017 and was granted by Ordinance No. 2017-O-01B; and

WHEREAS, the first public hearing was held before the City Council of Marble Falls at City Hall at Marble Falls, Texas, on the 17th day of January, 2017, and the second public hearing was held before the City Council of Marble Falls at City Hall at Marble Falls, Texas, on the 24th day of January, 2017, and all interested persons were provided with an opportunity to be heard on the proposed voluntary annexation of the property described as 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, The F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas; and,

WHEREAS, the City of Marble Falls is a home rule city with a population in excess of 5,000 persons; and,

WHEREAS, the property is adjacent to and contiguous to the boundaries of the City; and,

WHEREAS, the property to be annexed is within the City's extraterritorial jurisdiction and the property is not within the extraterritorial jurisdiction of any other city; and,

WHEREAS, the property to be annexed is less than one-half mile in width; and,

WHEREAS, a service plan for the territory to be annexed has been prepared as required by law, and a copy of that service plan is attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, the territory is exempt from the municipal annexation plan requirement;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION 1. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. ANNEXATION. That the property described as 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, The F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas, which is more fully described in Exhibit "A" attached hereto, is hereby annexed into the City of Marble Falls, Burnet County, Texas and that the corporate limits of the City of Marble Falls be and the same are hereby extended to include within the territorial limits of said city and said land and the present and future inhabitants thereof shall hereafter be entitled to all rights and privileges of the City of Marble Falls, Texas and shall be bound by the provisions of all ordinances and codification of ordinances of said City.

SECTION 3. FILING OF ORDINANCE. That the City Secretary is hereby directed to file a certified copy of this Ordinance with the County Clerk of Burnet County, Texas, the Voting Registrar of Burnet County, the Burnet County Appraisal District, the Secretary of State of Texas, and the Comptroller of the State of Texas in the manner required by law.

SECTION 4. MAPS. That the map showing the boundaries of the City and its Extraterritorial Jurisdiction shall be immediately corrected to include the annexed territory and be annotated to show the date of the annexation, the number of the annexation ordinance, and the date of its adoption.

SECTION 5. SERVICE PLAN. That the service plan for the land hereby annexed, attached hereto as Exhibit "B", is hereby approved as part of this Ordinance.

SECTION 6. SEVERABILITY. That if any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this

Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. REPEALER CLAUSE. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

SECTION 8. NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect immediately after its date of approval.

1ST PUBLIC HEARING:	January 17, 2017
2nd PUBLIC HEARING AND 1ST READING OF THIS ORDINANCE:	January 24, 2017
2nd READING OF THIS ORDINANCE:	February 21, 2017

APPROVED:

John Packer
Mayor, City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls

Exhibit "A" (1 of 3)

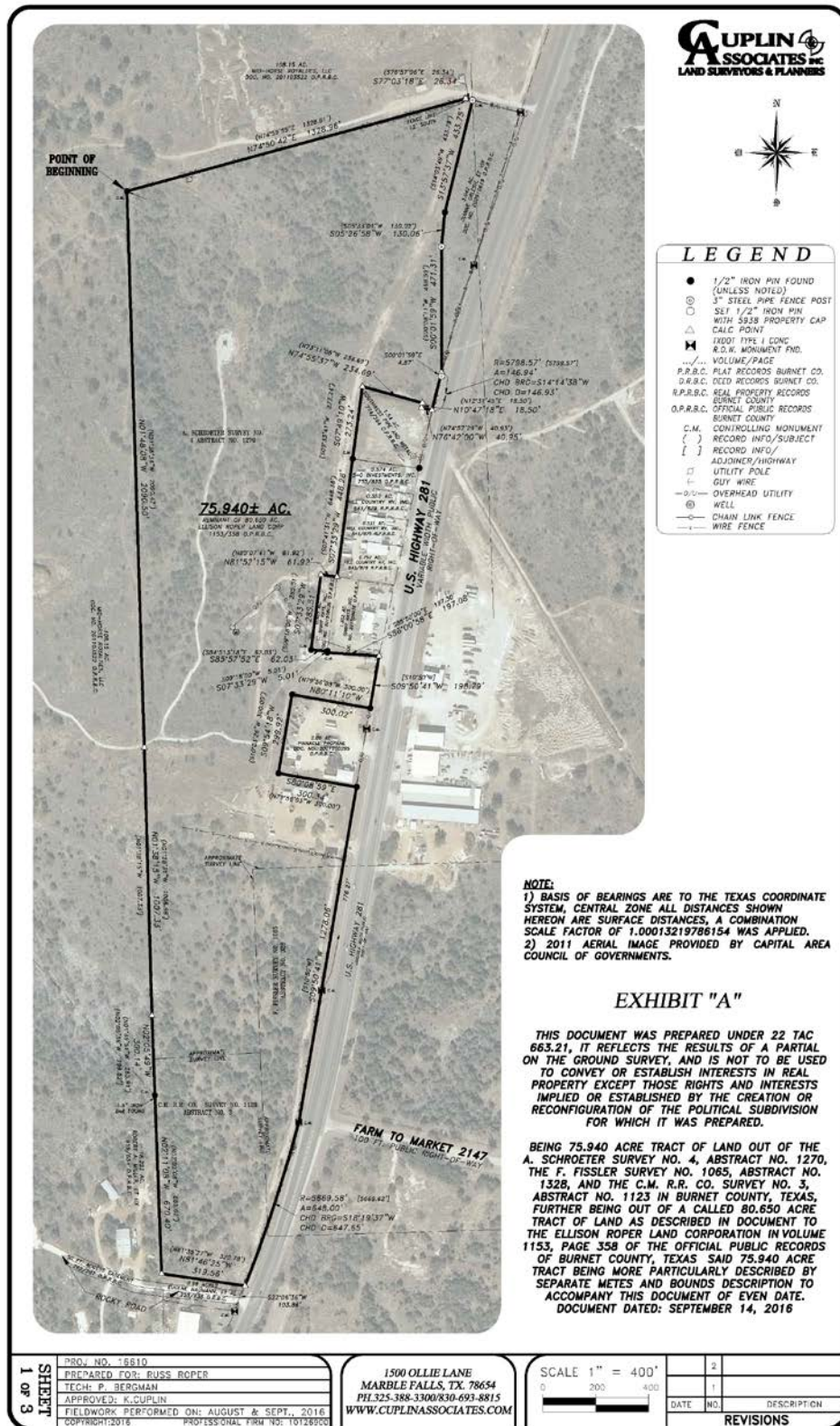


Exhibit "A" (2 of 3)



Prepared For: Russ Roper
Project No.: 16610
Date: 9/14/2016

BEING A 75.940 ACRE TRACT OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 80.650 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE ELLISON ROPER LAND CORPORATION IN VOLUME 1153, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 75.940 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 1.5" iron bar found at the northwest corner of said 80.650 acre tract and an interior corner of a called 108.15 acre tract described in document to Mid-Horse Royalties, LLC in Document No. 201103522 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof;

THENCE along the north line of said 80.650 acre tract and a south line of said 108.15 acre tract the following courses and distances:

- 1) North 74°50'42" East, a distance of 1328.96' to a calculated point;
- 2) South 77°03'18" East, a distance of 26.34' to a 3" steel pipe fence corner post at the northeast corner of said 80.650 acre tract and the northwest corner of a called 3.042 acre tract described in document to Dianne Orlesh, Et Vir in Document No. 200910619 of the Official Public Records of Burnet County, Texas, for the northeast corner hereof;

THENCE along the west line of said Orlesh tract and the east line of said 80.650 acre tract, and hereof, generally along a fence, the following courses and distances:

- 1) South 13°57'37" West, a distance of 433.75' to a 1/2" iron pin found;
- 2) South 05°26'58" West, a distance of 130.06' to a 3" pipe fence post;
- 3) South 00°01'59" West, a distance of 471.31' to a calculated point along the west right-of-way line of U.S. Highway No. 281, for an easterly corner hereof, whence a 3" steel pipe fence post bears South 00°01'59" West 4.87';

THENCE along said Highway right-of-way line, the east line of said 80.650 and the east line hereof along a curve to the left having an arc length of 146.94', a radius of 5798.57', a chord bearing of South 14°14'38" West, and a chord length of 146.93' to a calculated point at the most easterly northeast corner of a called 1.54 acre tract described in document to Southwest Pipe and Metal in Volume 774, Page 394 of the Official Public Records of Burnet County, Texas;

THENCE continuing with the east line hereof, along the perimeter of said 1.54 acre tract the following courses and distances as follows:

- 1) North 76°42'00" West, a distance of 40.95' to a calculated point;
- 2) North 10°47'18" East, a distance of 18.50' to a calculated point;
- 3) North 74°55'37" West, a distance of 234.69' to a calculated point;
- 4) South 07°49'10" West, a distance of 273.24' to a 1/2" iron pin found at the southwest corner of said 1.54 acre tract and the northwest corner of a called 0.574 acre tract described in document to 5-D Investments, Inc. in Volume 755, Page 825 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof the following courses and distances:

- 1) South 07°33'29" West, along the west line of said 0.574 acre tract, then the west lines of a called 0.552 acre tract, a called 0.531 acre tract, and a called 0.757 acre tract all of which are described in document to Hill Country RV, Inc. in Volume 643, Page 879 of the Real Property Records of Burnet County, Texas, a distance of 448.28' to a calculated point at the southwest corner of said 0.757 acre tract, the northwest corner of a called 1.302 acre tract and the northeast corner of a 0.403 acre tract, both of which are described in document to Spirit Rays, Inc. in Document No. 201508036 of the Official Public Records of Burnet County, Texas;
- 2) North 81°52'15" West, a distance of 61.92' to a calculated point at the northwest corner of said 0.403 acre tract;
- 3) South 07°33'26" West, a distance of 285.51' to a 1/2" iron pin found at the southwest corner of said 0.403 acre tract;

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Exhibit "A" (3 of 3)

- 4) South 85°57'52" East, a distance of 62.03' to a 1/2" iron pin found at the southeast corner of said 0.403 acre tract along the west line of said 1.302 acre tract;
- 5) South 07°33'29" West, a distance of 5.01' to a 1/2" iron pin found at the southwest corner of said 1.302 acre tract;
- 6) South 86°00'58" East, a distance of 197.08' to a calculated point along the west right-of-way line of said Highway and the east line of said 80.650 acre tract;
- 7) South 09°50'41" West, along said Highway right-of-way and the east line of said 80.650 acre tract, a distance of 198.79' to a 1/2" iron pin found at the northeast corner of a called 2.06 acre tract described in document to Pinnacle Propane in Document No. 201200295 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof with the perimeter of said 2.06 acre tract the following courses and distances:

- 1) North 80°11'10" West, a distance of 300.02' to a 1/2" iron pin found;
- 2) South 09°54'18" West, a distance of 299.92' to a 1/2" iron pin found;
- 3) South 80°08'59" East, a distance of 300.34' to a 1/2" iron pin found with a property cap stamped "4452" at the southeast corner of said 2.06 acre tract along said Highway right-of-way line and the east line of said 80.650 acre tract;

THENCE continuing along the east line hereof and of said 80.650 acre tract and the west right-of-way line of said Highway the following courses and distances:

- 1) South 09°50'41" West, at a distance of 776.27' pass a TXDOT Type I concrete right-of-way monument, for a total distance of 1278.06' to a TXDOT Type I concrete right-of-way monument;
- 2) Along a curve to the right having an arc length of 648.00', a radius of 5669.58', a chord bearing of South 18°19'37" West, and a chord length of 647.65' to a calculated point for corner at the southeast corner of said 80.650 acre tract and the northeast corner of a called 0.69 acre tract described in document to Eugene Naumann, Et Al, in Volume 255, Page 135 of the Deed Records of Burnet County, Texas, for the southeast corner hereof, whence a TXDOT Type I concrete right-of-way monument; bears South 22°06'36" West 103.86';

THENCE North 81°46'25" West, along the south line of said 80.650 acre tract and hereof and the north line of said 0.69 acre tract, a distance of 319.56' to a calculated point at the southwest corner of said 80.650 acre tract and the northwest corner of said 0.69 acre tract along the east line of a called 18.222 acre tract described in document to Robert A. Miller, Et Ux in Volume 919, Page 654 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE along the west line of said 80.650 acre tract and hereof, generally along a fence, the following courses and distances:

- 1) North 02°11'08" West, a distance of 670.40' to a 1.5" iron bar found at the northeast corner of said 18.222 acre tract and the southeast corner of said 108.15 acre tract;
- 2) North 02°05'49" West, a distance of 300.14' to a calculated point;
- 3) North 01°38'15" West, a distance of 1007.33' to calculated point;
- 4) North 01°48'08" West, a distance of 2090.50', to the **POINT OF BEGINNING**, and containing 75.940 acres, more or less.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, IT REFLECTS THE RESULTS OF A PARTIAL ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

- 1) Basis of Bearings: NAD 83, Texas Coordinate System-Central Zone
- 2) The coordinates and distances contained herein are surface values using a combined scale factor of 1.00013219786154 feet.
- 3) An exhibit of even date was prepared and attached hereto as part of this survey.


Registered Professional Land Surveyor No. 5938

Dated: 9/14/2016



1500 Ollie Lane, Marble Falls, Texas 78654
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
www.cuplinassociates.com

Page 3 of 3

EXHIBIT “B”

MUNICIPAL SERVICE PLAN FOR PROPERTY TO BE ANNEXED TO THE CITY OF MARBLE FALLS

WHEREAS, the City of Marble Falls, Texas (the “City”) has instituted annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the “Property”); and,

WHEREAS, Chapter 43, Texas Local Government Code, (referred to herein as “TLGC”) requires a service plan be adopted with the annexation ordinance; and,

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by Chapter 43, TLGC, to annex the subject property into the City;

NOW, THEREFORE, by execution hereof, the City agrees to provide, at its sole cost and expense the following services for the subject property on the effective date annexation:

1. Police Protection as follows:
 - a. Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.
2. Fire Protection and Emergency Medical Services as follows:
 - a. Fire protection by the present personnel and equipment of the City fire department with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.
3. Solid Waste Collection services as follows:
 - a. Solid waste collection and services as now being offered to the citizens of the City.
4. Water service and maintenance of water facilities as follows:
 - a. Centralized water service is already constructed and available within the Annexed Area. The cost of extending water service to individual property owners within the Annexed Area not already receiving service or requiring service above that which is currently provided shall be at the landowner's cost and in accordance with

the City's utility extension ordinance and subdivision ordinance. Water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations, and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies.

- b. Developed tracts within the Annexed Area that are not yet connected to City water systems and are currently being served by water wells shall be permitted to continue to utilize the same until such time, if ever, that City water is requested or such persons become required by operation of law to connect to the City's water system. New development on lots or tracts of sufficient size to support on-site water wells shall be allowed to install water wells unless City water lines have been constructed to that location. Operation and maintenance of water facilities that are not within the service area of another water utility will be provided by the Marble Falls Utility Department on the same basis and at the same level of service as provided throughout the City with comparable topography, land use and population density in accordance with existing Ordinances; including Ordinances governing the extension of water utilities and subdivisions in effect on the date of annexation or as amended from time to time which require a landowner, at the landowner's cost, to extend and install water lines.
- c. Pay the costs of over-sizing of any water facilities within the subject property to a capacity greater than reasonably required to service the subject property, at the time of subdivision of land when necessary and as applicable.
- d. Inspection, maintenance, and repair of water distribution lines as provided by the statutes of the State of Texas.
- e. Provide the necessary improvements to its water system to accommodate the flows needed to provide water service to the Annexed Area.
- f. Provide required water supply demands for firefighting needs in a manner to be determined by the City.

5. Wastewater services and maintenance of wastewater service as follows:

- a. Centralized sanitary wastewater service is already constructed and available within the Annexed Area. The cost of extending centralized wastewater service to individual property owners within

the Annexed Area not already receiving service or requiring service above that which is currently provided shall be at the landowner's cost and in accordance with the City's utility extension ordinance and subdivision ordinance.

- b. Centralized wastewater or on-site sewer service shall be provided by the same means by which the City of Marble Falls extends such services to any other area within the City limits and shall at no time be at a lower level of service than currently provided in the Annexed Area. Persons currently receiving such service(s) from the City shall continue to receive the same, consistent with City ordinances in effect on the date of annexation and as amended from time to time. Persons utilizing on-site septic systems shall be permitted to continue to utilize the same until such time, if ever, that centralized wastewater service is requested from the City or such persons become required by operation of law to connect to the City's wastewater system. New development on lots or tracts of sufficient size to support on-site septic systems shall be allowed to install septic systems unless City centralized wastewater lines have been constructed to that location. Operation and maintenance of wastewater facilities that are not within the service area of another wastewater utility will be provided by the Marble Falls Utility Department on the same basis and at the same level of service as provided throughout the City with comparable topography, land use and population density in accordance with existing Ordinances; including Ordinances governing the extension of wastewater utilities and subdivisions in effect on the date of annexation or as amended from time to time which require a landowner, at the landowner's cost, to extend and install wastewater lines.
- c. Pay the costs of over-sizing of any wastewater facilities within the subject property to a capacity greater than reasonably required to service the subject property, at the time of subdivision of land when necessary and as applicable.
- d. Inspection, maintenance, and repair of sewer lines as provided by the statutes of the State of Texas.
- e. Sewer service provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations, and policies of the City in effect from time to time.
- f. Provide the necessary improvements for its wastewater collection system and wastewater treatment system necessary to

accommodate the flows designed at the time of the subdivision of the land.

- g. Proved specifications for grinder pumps to be installed by the developer of any subdivision of land and thereafter to provide routine maintenance and repair services for said grinder pumps.
- 6. Maintenance of streets and rights-way as appropriate as follows:
 - a. Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
 - b. Routine maintenance as presently performed with the City.
 - c. Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such improvements as need therefore is determined by the City Council under City policies.
 - d. Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
 - e. Maintenance of street lighting in accordance with established policies of the City.
- 7. Animal control as follows:
 - a. Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.
- 8. Maintenance of parks and playgrounds within the City.
- 9. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.
- 10. Maintenance of other City facilities, buildings and service.
- 11. Land Use regulations as follows:
 - a. On the effective date of the annexation, the zoning jurisdiction of the city shall be extended to include the annexed area and all property therein shall be zoned Agriculture (AG) with the appropriate regulations established by the City or hereinafter amended.

12. Construction of any Capital Improvements

Section 43.056(e) of the Texas Local Government Code requires that the City include a program under which the City will initiate after the effective date of the annexation the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the Annexed Area. Any capital improvements to be constructed in the area being annexed shall be constructed pursuant to the terms of the City's Ordinances and policies. No capital improvements are contemplated or necessary at this time. However, if it becomes necessary to construct capital improvements to implement this Service Plan, the City shall provide such service no later than four and one-half (4½) years after the effective date of the annexation. The City reserves the right to amend this service plan to extend the period of construction in a manner that ensures that construction proceeds with all deliberate speed consistent with generally accepted engineering and architectural standards and practices and consistent with comparable topography, land use and population density, and service needs existing as of the date of this annexation.

13. Future Capital Improvements

Construction of other capital improvements shall be considered by the City in the future as the need dictates on the same basis as such capital improvements are considered throughout the City in accordance with Ordinances of the City, including Ordinances which require a developer to install or construct such capital improvements including but not limited to roads, streets, water and sewer lines.

14. Uniform level of services may not be required

Nothing in this Service Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the Annexation Area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

15. Term

This service plan shall be valid for a term of ten (10) years.

EXHIBIT "C" (1 of 4)

STATE OF TEXAS §

§

COUNTY OF Burnet §

PETITION FOR VOLUNTARY ANNEXATION OF PROPERTY INTO THE CITY LIMITS OF THE CITY OF MARBLE FALLS

To the Mayor and City Council of the City of Marble Falls, Texas:

The undersigned owner(s) of the tract of land described herein hereby request and petition the City of Marble Falls ("City"), pursuant to Section 43.021, and Section 43.052(h) of the Texas Local Government Code and the City of Marble Falls Charter, to extend the present city limits of the City and annex the property described in Exhibit "A" (the "Tract"), which is attached and incorporated herein for all purposes.

I/We certify and swear that:

1. I/We are the sole owners of the Tract described in Exhibit "A" and we own more than 50% of the Tract;
2. All of the Tract is currently located within the City's ETJ and is contiguous and adjacent to current city limits of the City;
3. The Tract is not located within the corporate limits or ETJ of any other municipality or other special district;
4. The Tract contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; and
5. This request for inclusion of the Tract in the Marble Falls city limits is made voluntarily.

I/We certify and swear that this petition is signed and acknowledged by each and every person and corporation owning said tract, or having an interest in any part thereof.

Robert Brown
Name

Address: Box 682
Marble Falls, TX

Date: 10-20-16

STATE OF TEXAS §

COUNTY OF Burnet §

This instrument was sworn to, signed and acknowledged before me by on this, the 20th day of October, 2016.



Sarah A. Collard
Notary Public, State of Texas

My commission expires: 6/14/2020

EXHIBIT "C" (3 of 4)



Prepared For: Russ Roper
Project No.: 16610
Date: 9/14/2016

BEING A 75.940 ACRE TRACT OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 80.650 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE ELLISON ROPER LAND CORPORATION IN VOLUME 1153, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 75.940 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 1.5" iron bar found at the northwest corner of said 80.650 acre tract and an interior corner of a called 108.15 acre tract described in document to Mid-Horse Royalties, LLC in Document No. 201103522 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof;

THENCE along the north line of said 80.650 acre tract and a south line of said 108.15 acre tract the following courses and distances:

- 1) North 74°50'42" East, a distance of 1328.96' to a calculated point;
- 2) South 77°03'18" East, a distance of 26.34' to a 3" steel pipe fence corner post at the northeast corner of said 80.650 acre tract and the northwest corner of a called 3.042 acre tract described in document to Dianne Orlesh, Et Vir in Document No. 200910619 of the Official Public Records of Burnet County, Texas, for the northeast corner hereof;

THENCE along the west line of said Orlesh tract and the east line of said 80.650 acre tract, and hereof, generally along a fence, the following courses and distances:

- 1) South 13°57'37" West, a distance of 433.75' to a 1/2" iron pin found;
- 2) South 05°26'58" West, a distance of 130.06' to a 3" pipe fence post;
- 3) South 00°01'59" West, a distance of 471.31' to a calculated point along the west right-of-way line of U.S. Highway No. 281, for an easterly corner hereof, whence a 3" steel pipe fence post bears South 00°01'59" West 4.87';

THENCE along said Highway right-of-way line, the east line of said 80.650 and the east line hereof along a curve to the left having an arc length of 146.94', a radius of 5798.57', a chord bearing of South 14°14'38" West, and a chord length of 146.93' to a calculated point at the most easterly northeast corner of a called 1.54 acre tract described in document to Southwest Pipe and Metal in Volume 774, Page 394 of the Official Public Records of Burnet County, Texas;

THENCE continuing with the east line hereof, along the perimeter of said 1.54 acre tract the following courses and distances as follows:

- 1) North 76°42'00" West, a distance of 40.95' to a calculated point;
- 2) North 10°47'18" East, a distance of 18.50' to a calculated point;
- 3) North 74°55'37" West, a distance of 234.69' to a calculated point;
- 4) South 07°49'10" West, a distance of 273.24' to a 1/2" iron pin found at the southwest corner of said 1.54 acre tract and the northwest corner of a called 0.574 acre tract described in document to 5-D Investments, Inc. in Volume 755, Page 825 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof the following courses and distances:

- 1) South 07°33'29" West, along the west line of said 0.574 acre tract, then the west lines of a called 0.552 acre tract, a called 0.531 acre tract, and a called 0.757 acre tract all of which are described in document to Hill Country RV, Inc. in Volume 643, Page 879 of the Real Property Records of Burnet County, Texas, a distance of 448.28' to a calculated point at the southwest corner of said 0.757 acre tract, the northwest corner of a called 1.302 acre tract and the northeast corner of a 0.403 acre tract, both of which are described in document to Spirit Rays, Inc. in Document No. 201508036 of the Official Public Records of Burnet County, Texas;
- 2) North 81°52'15" West, a distance of 61.92' to a calculated point at the northwest corner of said 0.403 acre tract;
- 3) South 07°33'26" West, a distance of 285.51' to a 1/2" iron pin found at the southwest corner of said 0.403 acre tract;

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EXHIBIT "C" (4 of 4)

- 4) South 85°57'52" East, a distance of 62.03' to a 1/2" iron pin found at the southeast corner of said 0.403 acre tract along the west line of said 1.302 acre tract;
- 5) South 07°33'29" West, a distance of 5.01' to a 1/2" iron pin found at the southwest corner of said 1.302 acre tract;
- 6) South 86°00'58" East, a distance of 197.08' to a calculated point along the west right-of-way line of said Highway and the east line of said 80.650 acre tract;
- 7) South 09°50'41" West, along said Highway right-of-way and the east line of said 80.650 acre tract, a distance of 198.79' to a 1/2" iron pin found at the northeast corner of a called 2.06 acre tract described in document to Pinnacle Propane in Document No. 201200295 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof with the perimeter of said 2.06 acre tract the following courses and distances:

- 1) North 80°11'10" West, a distance of 300.02' to a 1/2" iron pin found;
- 2) South 09°54'18" West, a distance of 299.92' to a 1/2" iron pin found;
- 3) South 80°08'59" East, a distance of 300.34' to a 1/2" iron pin found with a property cap stamped "4452" at the southeast corner of said 2.06 acre tract along said Highway right-of-way line and the east line of said 80.650 acre tract;

THENCE continuing along the east line hereof and of said 80.650 acre tract and the west right-of-way line of said Highway the following courses and distances:

- 1) South 09°50'41" West, at a distance of 776.27' pass a TXDOT Type I concrete right-of-way monument, for a total distance of 1278.06' to a TXDOT Type I concrete right-of-way monument;
- 2) Along a curve to the right having an arc length of 648.00', a radius of 5669.58', a chord bearing of South 18°19'37" West, and a chord length of 647.65' to a calculated point for corner at the southeast corner of said 80.650 acre tract and the northeast corner of a called 0.69 acre tract described in document to Eugene Naumann, Et Al, in Volume 255, Page 135 of the Deed Records of Burnet County, Texas, for the southeast corner hereof, whence a TXDOT Type I concrete right-of-way monument; bears South 22°06'36" West 103.86';

THENCE North 81°46'25" West, along the south line of said 80.650 acre tract and hereof and the north line of said 0.69 acre tract, a distance of 319.56' to a calculated point at the southwest corner of said 80.650 acre tract and the northwest corner of said 0.69 acre tract along the east line of a called 18.222 acre tract described in document to Robert A. Miller, Et Ux in Volume 919, Page 654 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE along the west line of said 80.650 acre tract and hereof, generally along a fence, the following courses and distances:

- 1) North 02°11'08" West, a distance of 670.40' to a 1.5" iron bar found at the northeast corner of said 18.222 acre tract and the southeast corner of said 108.15 acre tract;
- 2) North 02°05'49" West, a distance of 300.14' to a calculated point;
- 3) North 01°38'15" West, a distance of 1007.33' to calculated point;
- 4) North 01°48'08" West, a distance of 2090.50', to the **POINT OF BEGINNING**, and containing 75.940 acres, more or less.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, IT REFLECTS THE RESULTS OF A PARTIAL ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

- 1) Basis of Bearings: NAD 83, Texas Coordinate System-Central Zone
- 2) The coordinates and distances contained herein are surface values using a combined scale factor of 1.00013219786154 feet.
- 3) An exhibit of even date was prepared and attached hereto as part of this survey.


Registered Professional Land Surveyor No. 5938

Dated: 9/14/2016



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